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2 UNITED STATES DISTRICT COURT  
3  
4 DISTRICT OF NEVADA  
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6 ARTHUR BERAHA,

7 Plaintiff,

8 vs.  
9

10 STATE OF NEVADA, *et al.*,  
11 Defendants.  
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Case No.: 3:17-CV-00366-RCJ-CBC

ORDER ADOPTING AND ACCEPTING  
REPORT AND RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE  
(ECF NO. 80)

13 Before the Court is the Report and Recommendation of United States Magistrate  
14 Judge Carla Baldwin Carry (ECF No. 80<sup>1</sup>) entered on May 8, 2019, recommending that  
15 the Court grant CenturyLink and ICS' motions to dismiss (ECF Nos. 43 and 64). On  
16 May 22, 2019, the Plaintiff filed his Objections to Magistrate Judge's Report and  
17 Recommendation (ECF No. 81); and on May 22, 2019, Plaintiff filed an Errata to  
18 Plaintiff's Objections to Report and Recommendation (ECF No. 83).  
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20 This action was referred to Magistrate Judge Carry under 28 U.S.C. §  
21 636(b)(1)(B) and Local Rule IB 1-4 of the Rules of Practice of the United States District  
22 Court for the District of Nevada.  
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24 The Court has conducted its *de novo* review in this case, has fully considered the  
25 pleadings and memoranda of the parties including the parties' objections to the Report  
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<sup>1</sup> Refers to Court's docket number.

1 and Recommendation and other relevant matters to 28 U.S.C. § 636(b)(1)(B) and Local  
2 Rule IB 3-2.

3 IT IS HEREBY ORDERED that United States Magistrate Judge Carry's Report  
4 and Recommendation (ECF No. 80), shall be ADOPTED and ACCEPTED.  
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6 IT IS FURTHER ORDERED that Defendant CenturyLink's Motion to Dismiss  
7 (ECF No. 43) is GRANTED as follows: Count III is DISMISSED WITH PREJUDICE as  
8 to Plaintiff's Telecommunications Act Claim; and Count III is DISMISSED WITH  
9 PREJUDICE as to Plaintiff's state tort claims.  
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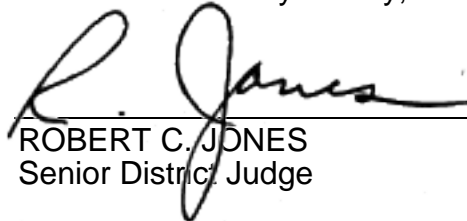
11 IT IS FURTHER ORDERED that Defendant ICS's Motion to Dismiss (ECF No.  
12 64) is GRANTED as follows: Count III is DISMISSED WITH PREJUDICE as to  
13 Plaintiff's Telecommunications Act Claim; and Count III is DISMISSED WITH  
14 PREJUDICE as to Plaintiff's state tort claims.  
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16 IT IS FURTHER ORDERED that Defendant CenturyLink's Motion to Sever (ECF  
17 No. 44) is DISMISSED as MOOT.

18 IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly.

19 IT IS SO ORDERED.  
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21 Dated this 28th day of May, 2019.

22   
23 ROBERT C. JONES  
24 Senior District Judge  
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